

County of Loudoun
Department of Planning
SUPPLEMENTAL MEMORANDUM

#1

DATE: March 24, 2010

TO: Planning Commission

FROM: Michael Elabarger, Project Manager

SUBJECT: March 24, 2010 Planning Commission Public Hearing
SPEX 2009-0030 / CMPT 2009-0009
CWS Exit 5 – Claiborne Parkway-Dulles Greenway

RE: REVISED Conditions of Approval (revised March 19, 2010)
REVISED Action Motions
REVISED Special Exception Plat Set (dated March 12, 2010)

Conditions of Approval (revised to March 19, 2010)

Since the public hearing staff report was published, Staff and the applicant were able to revise the proposed Conditions of Approval associated with SPEX 2009-0030, which included:

- **Condition #1** – revised to also commit substantial conformance with Sheet Z-7 (10 of 11) and Sheet Z-8 (11 of 11), and new revision date (March 12, 2010) of these sheets.
- **Condition #2 - Fence and Buffer Maintenance** – renamed Buffer Maintenance and revised by Staff in order to:
 - Better accommodate use of existing vegetation for buffer; note #24 also added to Sheet Z-5 (8 of 11);
 - Fence maintenance portion removed, note #23 added to Sheet Z-5 (8 of 11);
- **Condition #3 - Removal of Use** – removed; Applicant added note # 21 to Sheet Z-5 (8 of 11).
- **(NEW) Condition #3 – Reforestation** – incorporated to achieve a 500 tree-per-acre density in specified area.

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- **Condition #4 – Landscape Buffer Requirements** – removed, intent incorporated into Condition #2 as noted above.

The proposed Conditions were fully reviewed by the County Attorney's office, and those comments are incorporated.

The Applicant is in full agreement with these proposed Conditions of Approval.

Special Exception Plat Set (revised dated March 12, 2010)

In response to the changes to the proposed Conditions of Approval, the applicant made the above noted changes to the Plat set, and revised the date to March 12, 2010.

Suggested Motions

Attached are the motions for action, revised per the new date of the proposed Conditions of Approval noted above.

Attachments:

1. Revised Conditions of Approval, dated March 19, 2010.
2. Motions for Action, revised to reflect revised date of the Conditions of Approval and applicant Special Exception plat.

IV. CONDITIONS OF APPROVAL

(March 19, 2010)

1. Substantial Conformance - The proposed Special Exception use, telecommunications monopole and related unmanned equipment structure(s), shall be developed in substantial conformance with Sheet Z-5 (8 of 11, Special Exception Plat), Sheet Z-7 (10 of 11, Equipment Location Plan and Monopole Elevation), and Sheet Z-8 (11 of 11, Landscape Plan) (collectively referred to as the "Plat"), of the plan set dated October 15, 2009 and revised through March 12, 2010 prepared by Entrex Communication Services, Inc., and the Revised 1993 Loudoun County Zoning Ordinance. Approval of this application for the subject portion of PIN # 234-37-8457 (the "Property"), which is not owned by applicant, shall not relieve the Applicant or the owners of the Property from the obligation to comply with and conform to any other Zoning Ordinance, Codified Ordinance, or applicable regulatory requirement.
2. Buffer Maintenance – A Type 3 landscape buffer, or existing vegetation approved in lieu of the required landscape buffer in conjunction with site plan review, will be maintained in good condition. Should any diseased, storm-damaged or dying vegetation on the Property need to be removed, and it is determined that the remaining buffer materials no longer meet the Type 3 landscape buffer requirement, the Applicant or its successors shall install plant materials to the equivalent of the required Type 3 landscape buffer standards.
3. Reforestation – The Applicant shall reforest the triangular shaped portion of the Property bounded by the Dulles Greenway, the east-bound access ramp, and Claiborne Parkway, excluding the areas of the monopole compound, the existing stormwater management facility, and the existing tree stand, as shown on the Plat. Existing scattered Eastern red cedar trees may be preserved and incorporated into the reforestation area. A reforestation plan consisting of loblolly pine bare-root seedlings shall be submitted to the County for review and approval, prior to site plan approval. The reforestation shall achieve a tree density of 500 trees per acre, including both planted and existing trees. There shall be no commitment on behalf of the Applicant or its successors for survivability following initial seedling planting provided that healthy seedlings are planted. The applicant shall obtain necessary permission from the owner of the property to be planted. In the event the owner refuses to grant permission, the applicant shall provide documentation of such refusal and, thereafter, shall not be required to submit the reforestation plan or perform the planting.

SPECIAL EXCEPTION 2009-0030 - CWS Exit 5 – Claiborne Parkway-Dulles Greenway

SUGGESTED MOTIONS

1. I move that the Planning Commission approve CMPT 2009-0009, CWS Exit 5 – Claiborne Parkway-Dulles Greenway, and forward it to the Board of Supervisors for ratification based on the Findings contained in the March 24, 2010 Staff Report and with the Plat dated October 15, 2009, revised through March 12, 2010, prepared by Entrex Communications Services, Inc.

And,

2. I move that the Planning Commission forward SPEX 2009-0030, CWS Exit 5 – Claiborne Parkway-Dulles Greenway, to the Board of Supervisors with a recommendation of approval subject to the Conditions of Approval dated March 19, 2010 and based on the Findings contained in the March 24, 2010 Staff Report.

Or,

3. I move that the Planning Commission forward SPEX 2009-0030 / CMPT 2009-0009, CWS Exit 5 – Claiborne Parkway-Dulles Greenway, to a work session for further review.

Or,

4. I move that the Planning Commission deny CMPT 2009-0009, CWS Exit 5 – Claiborne Parkway-Dulles Greenway, and forward SPEX 2009-0030, CWS Exit 5 – Claiborne Parkway-Dulles Greenway, with a recommendation of denial to the Board of Supervisors, based on the following Findings:
